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In re Application of  
ISHERWOOD, et al.  
Application No.: 10/502,097  
PCT No.: PCT/GB03/00218  
Int. Filing Date: 22 January 2003  
Priority Date: 25 January 2002  
Attorney Docket No.: 66307-313-7  
For: IMPROVEMENTS IN METHODS OF  
MANUFACTURING SUBSTRATES

DECISION ON PETITION  
UNDER 37 CFR 1.181

This decision is in response to applicant's "Response to Notification of Missing Requirements" filed 23 November 2004 in the United States Patent and Trademark Office (USPTO). The response is being treated as a petition under 37 CFR 1.181. No petition fee is required.

### **BACKGROUND**

On 22 January 2003, applicant filed international application PCT/GB03/00218, which claimed priority of an earlier application filed 25 January 2002. The deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 25 July 2004.

On 22 July 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 15 November 2004, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date and provide payment of the surcharge for providing an oath or declaration later than thirty months from the priority date.

On 23 November 2004, applicant filed the present petition under 37 CFR 1.181 indicating that a declaration of the inventors was filed on 26 July 2004.

### DISCUSSION

The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. See MPEP 503. Here, applicant has provided a copy of the date-stamped postcard receipt. The postcard identifies the application by title, inventors and docket number. Among the items listed on the receipt is "Submsn of dec/Filing Fees" The receipt is stamped "OIPE JC25 Patent & Trademark Office JUL 26 2004" across its face. Thus, it is clear that applicant filed an executed declaration on 26 July 2004. In addition, applicant has attested that the declaration filed 23 November 2004 is a true and complete copy of the original filed 26 July 2004. For these reasons it is proper to grant applicant's petition at this time and accept the copy of the declaration filed 23 November 2004 as a substitute for the declaration originally filed 26 July 2004. As the declaration was provided prior to the expiration of thirty months from the priority date, no surcharge is required. (25 July 2004 being a Sunday, the filing of 26 July 2004 is considered within the thirty month period.)

Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have now been satisfied.

### CONCLUSION

Applicant's petition under 37 CFR 1.181 is GRANTED.

The Form PCT/DO/EO/905 mailed 15 November 2004 is hereby VACATED.

This application will be given an international application filing date of 22 January 2003 and a date of **26 July 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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